

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

PHILIP J. WALZ,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

---

ORDER

07-cv-648-jcs  
05-cr-185-jcs

Petitioner moved to vacate his sentence under 28 U.S.C. § 2255 because he was not being provided medical treatment. The United States responded on December 5, 2007. Petitioner replied on January 14, 2008.

Petitioner's allegations that he is not receiving medical treatment are not cognizable claims under 28 U.S.C. §2255. See Borre v. United States, 940 F.2d 215, 217 (7<sup>th</sup> Cir. 1991). Accordingly, his motion under 28 U.S.C. §2255 will be denied.

Petitioner may pursue his claims concerning medical treatment in a civil rights action or a Federal Tort Claims Act action.

Petitioner is advised that in any future proceedings in this matter he must offer argument not cumulative of that already provided to undermine this Court's conclusion that his motion must be dismissed. See Newlin v. Helman, 123 F.3d 429, 433 (7<sup>th</sup> Cir. 1997).

Walz v. U.S., 05-cr-185-jcs

ORDER

IT IS ORDERED that petitioner's 28 U.S.C. § 2255 motion is DENIED.

Entered this 16<sup>th</sup> day of January, 2008.

BY THE COURT:

/s/

---

JOHN C. SHABAZ  
District Judge